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|   |             |                       |                             |                  |
|---|-------------|-----------------------|-----------------------------|------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
| 09/412,013  | 10/04/1999  | Jonas Lowell Steinman | 10153-003                   | 9120             |
| 8791 7590 12/20/2006<br>BLAKELY SOKOLOFF TAYLOR & ZAFMAN<br>12400 WILSHIRE BOULEVARD<br>SEVENTH FLOOR<br>LOS ANGELES, CA 90025-1030 |             |                       | EXAMINER<br>ALVAREZ, RAQUEL |                  |
|   |             |                       | ART UNIT                    | PAPER NUMBER     |
|   |             |                       | 3622                        |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE  |             | MAIL DATE             | DELIVERY MODE               |                  |
| 3 MONTHS  |             | 12/20/2006            | PAPER                       |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/412,013

Applicant(s)

STEINMAN ET AL.

Examiner

Raquel Alvarez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-16, 19-34, 36-51, 71-79 and 81-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-16, 19-34, 36-51, 71-79 and 81-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/10/2006</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to communication filed on 10/10/2006.
2. Claims 2-16, 19-34, 36-51, 71-79 and 81-85 are presented for examination.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-16, 19-34, 36-51 and 71-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over article by Marc Gunther titled "The trouble with advertising" hereinafter Gunther in view of Eggleston et al. (6,061,600 hereinafter Eggleston).

With respect to claims 16, 33, 36, 50, 71, 74, 76, 79, 81-85, Gunther teaches a sweepstake system (page 1, paragraph IV). A host system computer system hosting a webpage, wherein the webpage includes a plurality of links and each of the plurality of links has an associated point value associated with the one of the plurality of hyperlinks(i.e. An avid sports fan or anyone with nothing better to do can click on enough links to earn points)(page 1, paragraph IV).

With respect to the feature of at least two hyperlinks of the plurality of hyperlinks having different associated values. Gunther teaches getting points for clicking on links/hyperlinks. Gunther is silent as to the links having different or the same values associated with them and since Gunther also teaches the links are from different advertisers that gives incentives and compete for viewers (page 1, paragraphs IV, V

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and page 3) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included associating different point values to the different advertisers links because such a modification allow different advertisers to offer a higher point value to users who click on the links to their websites and therefore increase their traffic flow.

With respect to the host computer system awards at least one point to a user as a result of the user clicking on the one of the plurality of hyperlinks and wherein the user is given a number of at least one entry in a sweepstakes based on a predetermined number of points the user has been awarded for clicking on the one of the plurality of hyperlinks. Gunther teaches the users being awarded points as a result of clicking on hyperlinks and the users can redeem their points for various products or services (page 1). Gunther teaches automatic sweepstakes entry for the users who visit the site (page 1). Gunther does not specifically teach that one of the product or service that the user can redeem the points for is to enter a sweepstake. Eggleston, teaches on col. 30, lines 47 to col. 31, line 1, that based on a predetermined amount of loyalty points, the users will be eligible to enter a sweepstake. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Eggleston of using the points to enter a sweepstake in order to produce excitement.

With respect to the newly added feature of having a look-up table for storing the point values of the hyperlinks. Gunther teaches granting points as a result of clicking on hyperlinks. The hyperlinks being for different advertisers (page 1). Gunther doesn't

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specifically teach having a look-up table to store the values of the hyperlinks. Official notice is taken that it is old and well known to use look up tables for looking up and matching information. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the system of Gunther a look-up table to store the values of the hyperlinks in order to make it easy to store and retrieve the values.

Claims 2 and 19 further recite that the maximum number of points that the user can accumulate in one day is fixed. Official notice is taken that it is old and well known to control the number of points or awards a user can accumulate on a given day in order to provide a fair system. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the maximum number of points that the user can accumulate in one day to be fixed in order to obtain the above mentioned advantage.

Claims 3, 13, 20, 30, 37, 38, 47, further recite storing registration information pertaining to the user, such as point information relating to the user and using a transient cookie having a last location information to detect fraud. Official notice is taken that it is old and well known to store information in a database and to use cookie having location information in order to identify visitors/users and therefore detect fraud. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included storing registration information pertaining to the

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user, such as point information relating to the user and using a transient cookie having a last location information in order to obtain the above mentioned advantage.

Claims 4-7, 9-12, 14-15, 21-24, 26-29, 31-32, 39-46, 48-49, 51, 72, 73, 75, 77-78 and 80 are different implementation choices that can be implemented without major changes to the system. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included implementing the system as recited by claims 4-7, 9-12, 14-15, 21-24, 26-29, 31-32, 38-46, 48-49, 51, 55-56, 64-66, 68-69 as designer's choices.

Claim 34 is similar in scope as claims 16, 33 rejected above and therefore rejected under similar rationale.

With respect to claims 8 and 25, Gunther do not specifically teach that one of the services is e-mail. E-mail is a common service offered in the on-line world. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included e-mail as one of the services offered.

#### **Response to Arguments**

4. With respect to Applicant's arguments that the references still do not teach associating different point values to links within the same website. The Examiner wants to point out that Gunther teaches getting points for clicking on links/hyperlinks. Further

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Gunther also teaches the links are from different advertisers that gives incentives and compete for viewers (page 1, paragraphs IV, V and page 3) therefore it would have been obvious in the system of Gunther to have different point value assigned to the different advertisers links because such a modification allow for competition. An advertiser that grants more points will motivate more users to click on their links.

5. With regard to the examiner's use of Official Notice, since, Applicant didn't command a response or request of such personal knowledge such as to provide a proper challenge that would at least cast reasonable doubt on the fact taken notice of, the Official notice is sustained. See MPEP 2144.03 where *In re Boon* is mentioned.

6. Applicant argues that the Examiner has misquoted Gunther. The Examiner wants to point out that the essence of Gunther is granting points for viewing pages (see page 1, paragraph 4).

7. Applicant argues that Gunther is non-enabling prior art but merely describes an idea of a reward program. The Examiner wants to point out that every patent application and reference relies to some extent on knowledge of persons skilled in art to **complement that disclosed**, in order that it be 35 U.S.C. 112 "enabling," and to satisfy requirements of reference under 35 U.S.C. 102. *≡ In re Bode, Nolan, Baker, Mathias, and Pfaender*, 193 USPQ 12 (CCPA 1977)

### **Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Point of contact**

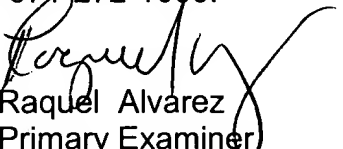
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
12/13/2006